

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JONATHAN F. HARRIS,

Petitioner,

v.

MARK GARMON,

Respondent.

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CIVIL ACTION NO. 17-5584

**ORDER**

**AND NOW**, this 15th day of February, 2022, after considering (1) the petition for a writ of habeas corpus under 28 U.S.C. § 2254 filed by the *pro se* petitioner, Jonathan F. Harris (“Harris”) (Doc. No. 1), (2) Harris’s Rule 7 motion to expand the record (Doc. No. 3), (3) Harris’s motion to amend section 2254 petition (Doc. No. 8), (4) Harris’s amended section 2254 petition (Doc. No. 13), (5) the respondent’s response to the petition for writ of habeas corpus (Doc. No. 16), (6) Harris’s traverse to response to order to show cause (Doc. No. 20), (7) the report and recommendation by United States Magistrate Judge Richard A. Lloret (Doc. No. 23), (8) Harris’s objections to the report and recommendation (Doc. No. 25), (9) Harris’s motion to show cause (Doc. No. 29), and the state court record; and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The clerk of court is **DIRECTED** to **REMOVE** this action from civil suspense and **RETURN** it to the undersigned’s active docket;

2. Harris’s objections to the report and recommendation (Doc. No. 25) are **OVERRULED IN PART** and **SUSTAINED IN PART** as follows:

- a. Harris's objections to Judge Lloret's statement that the Superior Court "sidestepped the errors in the PCRA court's ruling" (Doc. No. 25 at 2) is **SUSTAINED** and this statement is **STRICKEN** from the report and recommendation; and
- b. In all other respects, Harris's objections are **OVERRULED**;
3. Judge Lloret's report and recommendation (Doc. No. 23) is **APPROVED** and **ADOPTED** except as otherwise modified in the separately filed memorandum opinion;
4. Harris's petition for writ of habeas corpus (Doc. No. 1), as amended by his other submissions (Doc. Nos. 3, 8, 13), is **DENIED**;
5. The court **DECLINES** to issue a certificate of appealability;
6. Harris's motion for an order to show cause (Doc. No. 29) is **DENIED**; and
7. The clerk of court shall mark this case as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith  
EDWARD G. SMITH, J.